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HOUSE BILL 395

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO EDUCATION; PROVIDING FOR A STATE TRUANCY OFFICER;
PRESCRIBING A PENALTY; AMENDING, REPEALING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Compulsory School

Attendance Law is enacted to read:

" NEW MATERIAL TRUANCY OFFICER-- ENFORCEMENT OF
ATTENDANCE LAW- - PENALTY. --

A. The "state truancy officer" is created in the
office of the attorney general.

B. The state truancy officer shall:

(1) initiate the enforcement of the
provisions of the Compulsory School Attendance Law for
students enrolled in both public and private schools;

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1 (2) collect monthly attendance reports from
2 each school district or each governing authority of a private
3 school;

4 (3) send written notice to the parents of any
5 student in noncompliance with the provisions of the Compulsory
6 School Attendance Law; and

7 (4) call a conference between the student;
8 the parent, legal guardian or other person having custody; the
9 principal of the school; and the state truancy officer to
10 discuss the noncompliance with the Compulsory School
11 Attendance Law.

12 B. If violations of the provisions of the
13 Compulsory School Attendance Law continue after the attendance
14 conference, the state truancy officer shall work with the
15 probation services office of the judicial district where the
16 student resides for an investigation to determine within
17 thirty days whether the student shall be considered a
18 neglected child or a child in need of supervision who is
19 subject to the provisions of the Children's Code.

20 C. After the state truancy officer and the
21 juvenile probation office of the children's court division or
22 the district judge of the children court's division where the
23 student resides make their findings and a finding is made that
24 the student's nonattendance may have been caused by the
25 parent, legal guardian or other person having custody of the

underscored material = new
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1 student, the matter shall be referred to the district
2 attorney's office for appropriate investigation and filing of
3 charges pursuant to the Compulsory School Attendance Law.

4 D. A parent, legal guardian or other person having
5 custody of a student who after receiving written notice and
6 attending the attendance conference knowingly allows a student
7 to continue to violate the Compulsory School Attendance Law is
8 guilty of a petty misdemeanor and shall be sentenced pursuant
9 to Section 31-19-1 NMSA 1978.

10 E. If violations of the Compulsory School
11 Attendance Law continue after the first conviction, upon the
12 second and subsequent convictions, the parent, legal guardian
13 or other person having custody of the student who knowingly
14 allows the student to continue to violate the Compulsory
15 School Attendance Law is guilty of a misdemeanor and shall be
16 sentenced pursuant to Section 31-19-1 NMSA 1978. "

17 Section 2. Section 22-12-2 NMSA 1978 (being Laws 1967,
18 Chapter 16, Section 170, as amended) is amended to read:

19 "22-12-2. COMPULSORY SCHOOL ATTENDANCE--
20 RESPONSIBILITY. --

21 A. Any qualified student and any person who
22 because of his age is eligible to become a qualified student
23 as defined by the Public School Finance Act until attaining
24 the age of majority shall attend a public school, a private
25 school, a home school or a state institution. A person shall

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1 be excused from this requirement if:

2 (1) the person is specifically exempted by
3 law from the provisions of this section;

4 (2) the person has graduated from a high
5 school;

6 (3) the person is at least sixteen years of
7 age and has been excused by the local school board or its
8 authorized representative upon a finding that the person will
9 be employed in a gainful trade or occupation or engaged in an
10 alternative form of education sufficient for the person's
11 educational needs and the parent, guardian or other person
12 having custody and control consents; or

13 (4) with consent of the parent, guardian or
14 person having custody and control of the person to be excused,
15 the person is excused from the provisions of this section by
16 the superintendent of schools of the school district in which
17 the person is a resident and the person is under eight years
18 of age.

19 B. A person subject to the provisions of the
20 Compulsory School Attendance Law shall attend school for at
21 least the length of time of the school year that is
22 established in the school district in which the person is a
23 resident.

24 C. A person subject to the provisions of the
25 Compulsory School Attendance Law shall not have more than

